

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23688 of 2004

Between:

Nehru Harijana Mahila Mandali (Regd NO. 142/79) rep by its President Smt. Moddu
Anjamma W/o Venkaiah
Chilakaluripet, Guntur District

..... PETITIONER

AND

- 1 The District Collector, Guntur District, Guntur
- 2 The Revenue Divisional Officer, Narsaraopet Division Narasaraopet,

Guntur District

- 3 The Secretary, Social Welfare Department, Government of A.P.

Secretariat, Buildings, Hyderabad

- 4 The Mandal Revenue Officer, Chilakaluripet, Guntur District

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to provide house sites to the members of the Nehru Harijana Mahila Mandali, Chilakaluripet by allotting house sites in Sy. Nos. 178/A2, 184/A1, 184/A/2A, 184/A-2B, 184-A3A, 184A3B, 184/B, 185/1A/A, 185/1C/A all measuring Ac. 15-11- cents for which 4 (1) Notification 6 Declaration and award also passed by the authorities.

Counsel for the Petitioner: MR.P.RAMABRAHMAM

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking to direct the respondents to provide house sites to the members of the petitioner-Nehru Harijana Mahila Mandali, Chilakaluripet in Survey Nos.178/A2, 184/A1, 184/A/2A, 184/A-2B, 184/A-3A, 184/A-3B, 184/B, 185/1A/A, 185/1C/A admeasuring Ac.15.11 cents for which 4(1) Notification, declaration under Section 6 of the Land Acquisition Act, and Award was passed by the authorities.

The grievance of the petitioner-Society is that even though land acquisition proceedings were initiated long back for providing house sites to the members of the petitioner-Society in the above said survey numbers, due to inaction of the respondents, the same has not been materialized so far and the value of the said land has gone up. That the Mandal Revenue Officer is now proposing to provide house sites to the members of the petitioner-Society in Survey No.27 of Purushothapatnam village, which is not useful for construction of houses. Hence, the present writ petition is filed seeking a direction to the respondents to provide house sites to the members of the petitioner-Society in Survey Nos.178, 184 and 185 measuring Ac.15.11 cents for which 4 (1) Notification, and declaration under Section 6 of the Land Acquisition Act were passed by the authorities.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

Learned Government Pleader for Revenue, on instructions, submitted that because

of the escalation of prices, the respondents are not in a position to provide house sites in the particular area where the petitioner-Society is seeking to acquire the land. He further submitted that the Mandal Revenue Officer, Chilakaluripet has issued letters calling upon the petitioner to attend before him to identify the beneficiaries for providing house site pattas to them in Survey No.27 of Purushothapatnam village, but the petitioner without appearing before the Mandal Revenue Officer, is insisting for allotment of house sites at Nallakunta surroundings only adjoining to Chilakaluripet-Narasaraopet

Highway Road, which is costly area. Because of non-cooperation of the petitioner only, the respondents are not in a position to acquire and disburse the lands to the members of the petitioner-Society.

However, learned counsel for the petitioner disputed the issuing of notice to the petitioner by the Mandal Revenue Officer.

Having regard to the facts and circumstances of the case, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The Revenue Divisional Officer, Narasaraopet is directed to issue registered notice to the petitioner calling upon her to appear before him on a particular date, and on receipt of said notice the petitioner shall appear before the Revenue Divisional Officer and cooperate in providing house sites to the members of the petitioner-Society.

With the above observation, the writ petition is disposed of at the admission stage.
No costs.

(N.V. RAMANA, J)

Date: 28.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The District Collector, Guntur District, Guntur
- 2 The Revenue Divisional Officer, Narsaraopet Division Narasaraopet,
Guntur District
- 3 The Secretary, Social Welfare Department, Government of A.P.
Secretariat, Buildings, Hyderabad
- 4 The Mandal Revenue Officer, Chilakularipet, Guntur District
- 5 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)
- 6 Two CD copies.